



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/720,780

11/24/2003

Donna K. Hodges

030350

4952

38516 7590 07/19/2010

AT&T Legal Department - SZ

Attn: Patent Docketing

Room 2A-207

One AT&T Way

Bedminster, NJ 07921

EXAMINER

ANTONIENKO, DEBRA L

ART UNIT

PAPER NUMBER

3689

MAIL DATE

DELIVERY MODE

07/19/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/720,780	Applicant(s) HODGES ET AL.	
	Examiner Debra Antonienko	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) 1 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-8, 10-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 3689

DETAILED ACTION

1. This is a Final Office Action in response to communications received 3 May 2010, wherein:

Claim 1 has been previously withdrawn;
Claims 9 and 13 have been previously cancelled;
Claims 2-8, 11, 15, 16, 18-20 have been amended;
Claim 17 has been cancelled; therefore,
Claims 1-8, 10-12, 14-16, and 18-20 are pending.

Response to Amendment

2. Amendments to claims 8, 11, 15, 16, and 18-20 are sufficient to overcome the 35 USC § 112, first paragraph, rejection regarding a "segmentation service." Claim 17 has been cancelled, rendering the rejection moot.

Amendments to claims 2-6 are NOT sufficient to overcome the 35 USC § 112, first paragraph, rejections as the instant specification fails to disclose a "segmentation service." See rejection below.

Response to Arguments

3. AS TO Applicant's remarks regarding the limitations of *receiving, at the auction moderator, a service provider rating from a recipient of the communication service and providing a recipient rating to the auction moderator* are not disclosed or suggested by the prior art of record (pages 8 and 9 of Remarks dated 3 May 2010; underline original), Examiner respectfully disagrees.

The instant published application at paragraph [0030] discloses that *[t]he Auction Moderator 32 is a software program that conducts the auction on behalf of the client communications device 30. The Auction Moderator 32 may be stored/maintained within memory of the client communications device 30. The Auction Moderator 32 may alternatively or additionally be*

Art Unit: 3689

stored/maintained within memory of another computer device 34 communicating with, or operating within, the communications network 22. Therefore, the limitation of “receiving, at the auction moderator, a rating” is merely receiving data into the memory where the software is stored. The limitation of “providing a rating to the auction moderator” is similar.

As referenced in the previous Office Action, Hodayoun teaches *providing a method and apparatus for obtaining real-time, call by call feedback from customers as to the quality of network data services* (column 2, lines 34-51). Figures 4 and 5, and column 7, lines 11-38 illustrate details of the feedback response. Therefore, Hodayoun teaches that recipients rate the communications service provided.

Lang discloses an auction service or a platform for competitive bidding amongst the communications service providers (Figure 1). Therefore, software and memory is separate from the communications service providers. Specifically, Lang discloses *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify* ([0020]). This is done by the system monitor of the invention and not the communications service providers. That is, the monitoring and any information related to the monitoring are independent of the communications service providers.

Therefore, in the modification of Lang with the teachings of Hodayoun, it is implicit that the rating data would have been received at the memory of Lang where the software for the auction service is stored.

Art Unit: 3689

Similarly, Hurwitz teaches rating a buyer in an online auction scenario on the basis of payment history. Specifically, Hurwitz teaches that *timely payments, for example, may upgrade a buyer's rating, while late payments, or defaults may downgrade the buyer's reputation* (column 2, lines 17-23). Hurwitz further teaches a rating scale of 1 to 10, for example, with 10 indicating a *trustworthy buyer or seller, and 1 indicating an untrustworthy buyer or seller* (column 4, lines 5-10).

Therefore, in the modification of Lang with the teachings of Hurwitz, it is implicit that the rating data would have been provided to the memory of Lang where the software for the auction service is stored.

4. AS TO Applicant remarks that "*Hurwitz uses a buyer's and seller's 'reputation' to establish trust in electronic transactions*" (page 9 of Remarks dated 3 May 2010), Examiner notes that the instant published application states that *[p]ositive feedback induces trust within the bidding community, whereas negative feedback forces the service provider and/or the recipient to competitively improve or risk ostracism from the community ([0034])*. This is certainly the same as "reputation." Furthermore, that Hurwitz uses the terms buyer and seller does not alter the fact that a rating is given to the buyer as the recipient of the communications service is indeed a buyer and the communications service provider, a seller.

5. AS TO Applicant's remarks regarding the limitations of *receiving ... a service provider rating from the recipient of the communications service ... indicating whether the recipient was satisfied with the communications service and receiving a recipient rating ... in which a service provider of the communications service indicates whether a recipient of the communications*

Art Unit: 3689

service satisfactorily paid for the block of time are not disclosed or suggested by the prior art of record (pages 10 and 11 of Remarks dated 3 May 2010; underline original), Examiner respectfully disagrees.

As referenced, Homayoun teaches *providing a method and apparatus for obtaining real-time, call by call feedback from customers as to the quality of network data services* (column 2, lines 34-51). Figures 4 and 5, and column 7, lines 11-38 illustrate details of the feedback response. Therefore, Homayoun teaches that recipients rate the communications service provided.

Lang discloses *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify* ([0020]). This is done by the system monitor of the invention and not the communications service providers. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Homayoun to receive ratings of services in order to monitor the services provided.

As referenced, Hurwitz teaches rating a buyer in an online auction scenario on the basis of payment history. Specifically, Hurwitz teaches that *timely payments, for example, may upgrade a buyer's rating, while late payments, or defaults may downgrade the buyer's reputation* (column 2, lines 17-23). Hurwitz further teaches a rating scale of 1 to 10, for example, with 10 indicating *a trustworthy buyer or seller, and 1 indicating an untrustworthy buyer or seller* (column 4, lines 5-10).

Art Unit: 3689

Hurwitz further teaches that the transaction services intermediary receives information about the transaction from the auction site 14, the buyer 10, and the seller 12 and coordinates fulfillment of these functions by interacting with other entities such as... credit card companies, banks, credit unions, credit reporting companies... Reputation characterization system 24 may be coupled to transaction services intermediary 22 to generate an objective reputation for buyer (column 2, line 64—column 3, line 46). Therefore, the buyer rating is provided by the “entity” taking care of the billing and financial settlements.

That the billing entity is not directly the seller does not alter the method step of “receiving a recipient rating at the auction moderator.” The functionality of the step of receiving the rating based on payment history remains the same. Therefore, that the billing entity is not directly the seller does not effectively serve to patentably distinguish the claimed invention over the prior art.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the **first** paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. **Claims 2-8, 10-12, 14-16, 18, and 19** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Art Unit: 3689

Claim 2 still recites the limitation “segmentation service.” The instant specification discloses *[t]he communications services 38, for example, may include segmentation, dispersion, and aggregation of data segments ([0033]).* While a communications service may use segmentation, it is unclear what applicant is claiming as a “segmentation service.” The instant specification fails to disclose a “segmentation service.”

Amended claim 8 recites the limitation “selecting the bid to provide the block of time.” The term “selecting” implies a choice. The instant specification does not appear to disclose that a choice of bids is given. Paragraph [0033] discloses *[t]he bid 36 is communicated from the service provider's computer device 26 and to the Auction Moderator 32 via the communications network 22. If the Auction Moderator 32 accepts the bid 36, the service provider then provides communications services 38 according to the terms of the bid 36.* This is interpreted that bids are either accepted or not accepted by the Auction Moderator one at a time. There is no choice of more than one bid.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter Lang) in view of

Art Unit: 3689

Homayoun, U.S. Patent Number 5,970,121 (hereinafter Homayoun) and further in view of Hurwitz, U.S. Patent Number 6,856,963 B1 (hereinafter Hurwitz).

Regarding Claim 2, Lang discloses a method of providing communications services, comprising: submitting a bid to an auction moderator via an online auction to provide a communication service (Figure 1; [0009]; [0015]-[0017]); and providing the communication service ([0068]-[0069]).

Lang uses the phrase *communications queue master* instead of *auction moderator*. Examiner notes that using a different name to describe the same limitations does not effectively serve to patentably distinguish the claimed invention over the prior art.

Lang does not disclose receiving, at the auction moderator, a service provider rating from a recipient of the communication service indicating whether the communications services was satisfactorily provided; and providing a recipient rating to the auction moderator in which a service provider of the communication service indicates whether the recipient of the segmentation service satisfactorily paid for the communications services.

However, Homayoun teaches receiving a service provider rating from a recipient of the communication service indicating whether the communication service was satisfactorily provided (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). Lang teaches *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify*. This is done by the system monitor of the invention and not the communications service provider ([0020]). Therefore, it would have

Art Unit: 3689

been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Homayoun to receive ratings of services in order to monitor the services provided.

Examiner notes that the instant published application at paragraph [0030] discloses that *[t]he Auction Moderator 32 is a software program that conducts the auction on behalf of the client communications device 30. The Auction Moderator 32 may be stored/maintained within memory of the client communications device 30. The Auction Moderator 32 may alternatively or additionally be stored/maintained within memory of another computer device 34 communicating with, or operating within, the communications network 22.* Therefore, the limitation of “receiving, at the auction moderator, a rating” is merely receiving data into the memory where the software is stored. The limitation of “providing a rating to the auction moderator” is similar.

As referenced, Homayoun teaches *providing a method and apparatus for obtaining real-time, call by call feedback from customers as to the quality of network data services* (column 2, lines 34-51). Figures 4 and 5, and column 7, lines 11-38 illustrate details of the feedback response. Therefore, Homayoun teaches that recipients rate the communications service provided.

Lang discloses an auction service or a platform for competitive bidding amongst the communications service providers (Figure 1). Therefore, software and memory is separate from the communications service providers. Specifically, Lang discloses *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify* ([0020]). This is done by the system monitor of the invention and not

Art Unit: 3689

the communications service providers. That is, the monitoring and any information related to the monitoring are independent of the communications service providers.

Therefore, in the modification of Lang with the teachings of Homayoun, it is implicit that the rating data would have been received at the memory of Lang where the software for the auction service is stored.

Hurwitz teaches rating a buyer in an online auction scenario on the basis of payment history. Specifically, Hurwitz teaches that *timely payments, for example, may upgrade a buyer's rating, while late payments, or defaults may downgrade the buyer's reputation* (column 2, lines 17-23). Hurwitz further teaches a rating *scale of 1 to 10, for example, with 10 indicating a trustworthy buyer or seller, and 1 indicating an untrustworthy buyer or seller* (column 4, lines 5-26).

Therefore, in the modification of Lang with the teachings of Hurwitz, it is implicit that the rating data would have been provided to the memory of Lang where the software for the auction service is stored.

Hurwitz further teaches that the transaction services intermediary receives information about the transaction from the auction site 14, the buyer 10, and the seller 12 and coordinates fulfillment of these functions by interacting with other entities such as... credit card companies, banks, credit unions, credit reporting companies... Reputation characterization system 24 may be coupled to transaction services intermediary 22 to generate an objective reputation for buyer (column 2, line 64—column 3, line 46). Therefore, the buyer rating is provided by the “entity” taking care of the billing and financial settlements.

Art Unit: 3689

That the billing entity is not directly the seller does not alter the method step of “receiving a recipient rating at the auction moderator.” The functionality of the step of receiving the rating based on payment history remains the same. Therefore, that the billing entity is not directly the seller does not effectively serve to patentably distinguish the claimed invention over the prior art.

Furthermore, Lang teaches *[t]he communications queue master is preferably further adapted to identify communications request messages that require billing... The system therefore further comprises the communications billing system for generating a billing record for the respective communications request messages ([0021])*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Hurwitz to provide payment ratings in order to aid customers to build a good reputation profile.

Regarding Claim 3, Lang does not disclose wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the communication service, the feedback indicating whether the recipient was satisfied with the communication service. However, Homayoun further teaches wherein receiving the service provider rating comprises receiving feedback regarding the recipient of the communications services, the feedback indicating whether the recipient was satisfied with the communications services (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). Lang discloses providing the communications services ([0068]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Lang to receive ratings of services in order to monitor the services provided.

Art Unit: 3689

Regarding Claim 4, Lang does not disclose wherein receiving the service provider rating comprises receiving the rating from a client communications device associated with the recipient of the communication service. However, Homayoun further teaches wherein receiving the service provider rating comprises receiving the rating from a client communications device associated with the recipient of the communications services (column 7, lines 12-13). Lang teaches providing the communications services ([0068]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Lang to receive ratings of services from a client communications device in order to provide convenient and timely ratings.

Regarding Claim 5, Lang does not disclose wherein providing the recipient rating comprises indicating the recipient's credit card accepted charges for the communication service. Hurwitz does not explicitly teach wherein providing the recipient rating comprises indicating the recipient's credit card accepted charges for the communications. However, Hurwitz teaches that *[t]ransaction services intermediary receives information about the transaction from the auction site, the buyer, and the seller and coordinates fulfillment of these functions by interacting with other entities such as... credit card companies* (column 2, line 64 - column 3, line 29). Lang discloses providing the communications services ([0068]-[0069]). It is well known that when purchasing by credit card, acceptance or refusal is indicated almost immediately. Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to include credit card transactions in the recipient rating as using a credit card to pay online is very popular.

Art Unit: 3689

10. **Claims 6 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Homayoun in view of Hurwitz and further in view of English.

Regarding Claims 6 and 18, Lang does not disclose causing display of the service provider rating during a future online auction of communications services to indicate that future communication services will be satisfactorily provided. However, English teaches causing display of the service provider rating during a future online auction to indicate that future communications services will be satisfactorily provided (Abstract; [0062]). Lang discloses providing the communications services ([0068]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to provide the ratings of services in order for customers to make a more informed choice.

11. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Homayoun in view of Hurwitz in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) and further in view of Giese et al., U.S. Patent Number 6,728,267 B1 (hereinafter Giese).

Regarding Claim 7, Kato discloses a wherein providing the communications services comprise: receiving a first data stream comprising packets of data packetized according to a packet protocol ([0069]), segmenting the first data stream into segments ([0069]), dispersing the segments via a communications network for subsequent processing services ([0059]; [0069]), receiving results of the subsequent processing services ([0059]; [0067]-[0069]), determining a ... processing service is required from a different service provider, grouping together individual packets of data as a new segment that requires the ... processing service, ... the new segment to the different service provider to receive the ... processing, receiving a result of the ...

Art Unit: 3689

processing service, aggregating the results of the subsequent processing services and the result of the ... processing service into a second data stream ([0059]; [0067]-[0069]), and communicating the second data stream via the communications network ([0059]; [0067]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lang, Homayoun, Hurwitz combination with that of Kato to use packet protocol, segmentation, and aggregation in order to provide efficient service.

Giese discloses the use of subcontracted services. For example, *Figure 10 illustrates the method of operation of a match broker 68. A match broker 68 can be constructed to either return service provider matches on single point arguments for each of the submitted primitives 22, 24, or, alternatively, the match broker can return offers matching a range of arguments specified in the primitives 22, 24 for further screening and selection by the user or the user application* (column 11, lines 27-35). Furthermore, Giese discloses that *[e]lectronic contracts 72 represent the final point at which all details relating services and resources assigned to a user are known and, therefore, contain important relationship information... The electronic contract 72 presented to the user by the customer facing service provider is the result of a series of subcontract at each of the provider interfaces in the end-to-end delivery of a services or set of services* (column 13, lines 1-15). Furthermore, Giese discloses that *[c]urrent networks provide limited choice of services and the choices available are often difficult to access. Adding functionality to current networks requires complex modification of existing functionality... move application and service logic out of transport nodes and specific telecommunications technologies to higher level entities; providing telecommunications in a multi-player, multi-provider environment...* (column 1, lines 10-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Homayoun,

Art Unit: 3689

Hurwitz, Kato combination with that of Giese to include another service provider in order to obtain the complete service required by the customer.

12. **Claims 8, 10-16, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Lang, U.S. Patent Application Publication Number 2002/0146102 A1 (hereinafter Lang) in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) in view of Snelgrove, U.S. Patent Number 6,535,592 B1 (hereinafter referred to as Snelgrove) and further in view of Hurwitz, U.S. Patent Number 6,856,963 B1(hereinafter Hurwitz).

Regarding Claims 8 and 20, Lang discloses a method and computer program product, respectively, of providing communications services, comprising: auctioning a block of time of communications service ([0012]; [0015]-[0017]).

Lang does not disclose that may be shared between multiple client communications devices. However, Snelgrove teaches that may be shared between multiple client communications devices (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Snelgrove to offer sharing in order to provide convenience to the customer.

Lang further discloses receiving a bid at an auction moderator that conducts an auction for the block of time (Figure 1; [0009]; [0015]-[0017]).

Art Unit: 3689

Examiner notes that the instant published application at paragraph [0030] discloses that *[t]he Auction Moderator 32 is a software program that conducts the auction on behalf of the client communications device 30. The Auction Moderator 32 may be stored/maintained within memory of the client communications device 30. The Auction Moderator 32 may alternatively or additionally be stored/maintained within memory of another computer device 34 communicating with, or operating within, the communications network 22.* Therefore, the limitation of “receiving a bid at an auction moderator” is merely receiving data into the memory/processor where the software is stored.

Lang further discloses selecting the bid to provide the block of time ([0012]-[0013]); and accepting the bid ([0027]).

Lang does not disclose receiving at the auction moderator a service provider rating from a recipient of the communications service, the service provider rating indicating whether the recipient was satisfied with the communications service; and receiving a recipient rating at the auction moderator in which a service provider of the communications service indicates whether the recipient of the communications service satisfactorily paid for the block of time.

However, Homayoun teaches receiving a service provider rating from a recipient of the communication service indicating whether the communication service was satisfactorily provided (Figures 4 and 5; column 2, lines 34-51; column 7, lines 11-38). Lang teaches *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify.* This is done by the system monitor of the invention and not the communications service provider ([0020]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention

Art Unit: 3689

of Lang with that of Homayoun to receive ratings of services in order to monitor the services provided.

Examiner notes that the instant published application at paragraph [0030] discloses that *[t]he Auction Moderator 32 is a software program that conducts the auction on behalf of the client communications device 30. The Auction Moderator 32 may be stored/maintained within memory of the client communications device 30. The Auction Moderator 32 may alternatively or additionally be stored/maintained within memory of another computer device 34 communicating with, or operating within, the communications network 22.* Therefore, the limitation of “receiving, at the auction moderator, a rating” is merely receiving data into the memory where the software is stored. The limitation of “receiving a rating at the auction moderator” is similar.

As referenced, Homayoun teaches *providing a method and apparatus for obtaining real-time, call by call feedback from customers as to the quality of network data services* (column 2, lines 34-51). Figures 4 and 5, and column 7, lines 11-38 illustrate details of the feedback response. Therefore, Homayoun teaches that recipients rate the communications service provided.

Lang discloses an auction service or a platform for competitive bidding amongst the communications service providers (Figure 1). Therefore, software and memory is separate from the communications service providers. Specifically, Lang discloses *monitoring performance of communications service providers to ensure that they perform services to a level and quality of service that they specify* ([0020]). This is done by the system monitor of the invention and not the communications service providers. That is, the monitoring and any information related to the monitoring are independent of the communications service providers.

Art Unit: 3689

Therefore, in the modification of Lang with the teachings of Homayoun, it is implicit that the rating data would have been received at the memory of Lang where the software for the auction service is stored.

Hurwitz teaches rating a buyer in an online auction scenario on the basis of payment history. Specifically, Hurwitz teaches that *timely payments, for example, may upgrade a buyer's rating, while late payments, or defaults may downgrade the buyer's reputation* (column 2, lines 17-23). Hurwitz further teaches a rating scale of 1 to 10, for example, with 10 indicating a trustworthy buyer or seller, and 1 indicating an untrustworthy buyer or seller (column 4, lines 5-26).

Therefore, in the modification of Lang with the teachings of Hurwitz, it is implicit that the rating data would have been provided to the memory of Lang where the software for the auction service is stored.

Hurwitz further teaches that the transaction services intermediary receives information about the transaction from the auction site 14, the buyer 10, and the seller 12 and coordinates fulfillment of these functions by interacting with other entities such as... credit card companies, banks, credit unions, credit reporting companies... Reputation characterization system 24 may be coupled to transaction services intermediary 22 to generate an objective reputation for buyer (column 2, line 64—column 3, line 46). Therefore, the buyer rating is provided by the “entity” taking care of the billing and financial settlements.

Art Unit: 3689

That the billing entity is not directly the seller does not alter the method step of “receiving a recipient rating at the auction moderator.” The functionality of the step of receiving the rating based on payment history remains the same. Therefore, that the billing entity is not directly the seller does not effectively serve to patentably distinguish the claimed invention over the prior art.

Furthermore, Lang teaches *[t]he communications queue master is preferably further adapted to identify communications request messages that require billing... The system therefore further comprises the communications billing system for generating a billing record for the respective communications request messages ([0021])*. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang with that of Hurwitz to provide payment ratings in order to aid customers to build a good reputation profile.

Regarding Claim 10, Snelgrove further teaches wherein the block of time comprises at least one of i) a maximum data transfer rate and ii) a minimum data transfer rate (column 6, lines 42-44). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to use minimum data transfer rate in order for customers to make a more informed choice.

Regarding Claim 11, Snelgrove further teaches sharing the block of time between multiple recipients of the communications service (column 5, lines 41-43 and lines 61-65). Lang discloses providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Art Unit: 3689

Regarding Claim 12, Snelgrove further teaches sharing the block of time between multiple telephone numbers (column 6, lines 55-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 14, Snelgrove further teaches auctioning a block of time of usage, wherein the block of time may be shared between multiple client communications devices associated with multiple users (column 6, lines 55-60; column 7, lines 1-13). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer sharing in order to provide convenience to the customer.

Regarding Claim 15, Lang does not disclose negotiating with a group of recipients for the communications service, the group comprising recipients willing to pay for the communications service and recipients unwilling to pay for the communications service, wherein the recipients willing to pay for the communications service are permitted to sponsor the recipients unwilling to pay for the communications service.

However, Snelgrove further teaches negotiating with a group of recipients for the communications services, the group comprising recipients willing to pay for the communications services and recipients unwilling to pay for the communications services, wherein the recipients willing to pay for the communications services are permitted to sponsor the recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). Lang discloses providing the communications services ([0068]-[0069]). Therefore, it would have been

Art Unit: 3689

obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

Regarding Claim 16, Lang does not disclose wherein providing the communications service comprises providing the communications service to both recipients willing to pay for the communications service and recipients unwilling to pay for the communications service.

However, Snelgrove further teaches wherein providing the communications services comprises providing the communications services to both recipients willing to pay for the communications services and recipients unwilling to pay for the communications services (column 5, lines 3-5; column 7, lines 16-18). Lang discloses providing the communications services ([0068]-[0069]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method to offer alternative payment plans in order to provide convenience to the customer.

13. **Claim 18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz and further in view of English.

Regarding Claim 18, Lang does not disclose causing display of the service provider rating during a future online auction to indicate that future communications service will be satisfactorily provided.

However, English teaches causing display of the service provider rating during a future online auction to indicate that future communications services will be satisfactorily provided (Abstract; [0062]). Lang teaches providing the communications services ([0068]-[0069]). Therefore, it

Art Unit: 3689

would have been obvious to one of ordinary skill in the art at the time of the invention to provide the ratings of services in order for customers to make a more informed choice.

14. **Claim 19** is rejected under 35 U.S.C. 103(a) as being unpatentable over Lang in view of Snelgrove in view of Hurwitz in view of Kato, U.S. Patent Application Publication Number 2002/0112060 A1 (hereinafter referred to as Kato) and further in view of Giese et al., U.S. Patent Number 6,728,267 B1 (hereinafter Giese).

Regarding Claim 19, Kato discloses a wherein providing the communications service comprises: receiving a first data stream comprising packets of data packetized according to a packet protocol ([0069]), segmenting the first data stream into segments ([0069]), dispersing the segments via a communications network for subsequent processing services ([0059]; [0069]), receiving results of the subsequent processing services ([0059]; [0067]-[0069]), determining a ... processing service is required from a different service provider, grouping together individual packets of data as a new segment that requires the ... processing service, ... the new segment to the different service provider to receive the ... processing, receiving a result of the ... processing service, aggregating the results of the subsequent processing services and the result of the ... processing service into a second data stream ([0059]; [0067]-[0069]), and communicating the second data stream via the communications network ([0059]; [0067]-[0069]). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Lang, Snelgrove, Hurwitz combination with that of Kato to use packet protocol, segmentation, and aggregation in order to provide efficient service.

Giese discloses the use of subcontracted services. For example, *Figure 10 illustrates the method of operation of a match broker 68. A match broker 68 can be constructed to either*

Art Unit: 3689

return service provider matches on single point arguments for each of the submitted primitives 22, 24, or, alternatively, the match broker can return offers matching a range of arguments specified in the primitives 22, 24 for further screening and selection by the user or the user application (column 11, lines 27-35). Furthermore, Giese discloses that [e]lectronic contracts 72 represent the final point at which all details relating services and resources assigned to a user are known and, therefore, contain important relationship information... The electronic contract 72 presented to the user by the customer facing service provider is the result of a series of subcontract at each of the provider interfaces in the end-to-end delivery of a services or set of services (column 13, lines 1-15). Furthermore, Giese discloses that [c]urrent networks provide limited choice of services and the choices available are often difficult to access. Adding functionality to current networks requires complex modification of existing functionality... move application and service logic out of transport nodes and specific telecommunications technologies to higher level entities; providing telecommunications in a multi-player, multi-provider environment... (column 1, lines 10-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Lang, Snelgrove, Hurwitz, Kato combination with that of Giese to include another service provider in order to obtain the complete service required by the customer.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3689

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Antonienko whose telephone number is 571-270-3601. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA

/Janice A. Mooneyham/
Supervisory Patent Examiner, Art Unit 3689